

MEMO ENDORSED



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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LITIGATION BUREAU

Writer's Direct Dial: (212) 416-8561

October 13, 2020

Hon. Kenneth M. Karas  
United States District Judge  
United States Courthouse  
300 Quarropas Street  
White Plains, New York 10601-4150

Re: Estate of Anderson v. Wood, *et al.*,  
20CV01985 (KMK)

Dear Judge Karas:

I am an Assistant Attorney General with the New York State Office of the Attorney General. I write, respectfully, in an abundance of caution to request that defendant Nurse Parker's time to respond to the Complaint be adjourned from today until the anticipated motion to dismiss the other two defendants, Sergeant Wood and Correction Officer Putkowski,<sup>1</sup> has been decided.<sup>2</sup>

This afternoon, pursuant to ¶ II(A) of the Court's Individual Rules of Practice, I served a pre-motion letter on opposing counsel and then filed that letter with the Court via ECF. The letter outlines defendants Wood and Putkowski's anticipated motion to dismiss the Complaint. The motion will not be made on behalf of defendant Nurse Parker. Based on the Court's rules, the serving of a pre-motion letter seeking to dismiss the complaint in whole or part stays the time for the service of an answer until further Court order. Because, however, Nurse Parker will not be joining in the anticipated motion, I write to request that Nurse Parker's time to answer be stayed pending a decision on the motion to dismiss. The basis for this request is judicial economy so that all of the defendants can respond at one time, should the motion to dismiss be denied. Should the motion be granted, only Nurse Parker will have to respond.

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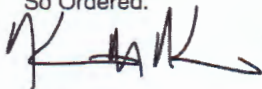
<sup>1</sup> The State of New York has certified outside counsel for defendant New York State Office of Mental Health ("OMH") Nurse Ruth Forest, who is being represented in this matter by the law firm of Hoguet Newman Regal, & Kenney, LLP. Nurse Forest filed an Answer with the Court on October 9, 2020. See Docket No. 26.

<sup>2</sup> In a September 3, 2020 letter to the Court, see Docket No. 22, I informed the Court that the plaintiffs in this case have a companion matter pending in the Court of Claims and that I have been advised by the Assistant Attorney General handling the Claims matter that plaintiffs' settlement demand is under review. That review has not yet been completed.

I have conferred with opposing counsel who does not consent to this request. I apologize to the Court for the untimely filing of this application and respectfully request that should the Court deny this application, Nurse Parker be granted until Monday, October 19, 2020 to respond to the Complaint.

Denied. If Nurse Parker is not joining the Motion to Dismiss, then an answer has to be filed on Nurse Parker's behalf regardless of the outcome of the motion. There are no compelling efficiencies that justify putting this off. Nurse Parker's Answer is due 10/28/20.

So Ordered.



10/14/20

cc: Nicholas Henry Mindicino, Esq. (by ECF)  
Helene Hechtkopf, Esq.

Respectfully submitted,

/s/ Neil Shevlin

Neil Shevlin

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